

### **REMARKS**

Claims 2-13, 15-27, and 29 are pending, with claims 2, 15, and 29 being independent. Applicants have amended claims 2, 3, 6, 7, 8, 12, 13, 15, 16, 19, 20, 21, and 25-27, and have canceled claims 1, 14, and 28, without prejudice. Applicants respectfully submit that all pending claims are in condition for allowance for at least the following reasons.

#### **Claim Rejections Under 35 U.S.C. 101 and 112**

The Examiner has rejected claim 1 under 35 U.S.C. 101/112 and claims 13 and 26 under 35 U.S.C. 112. Applicants respectfully submit that these rejections are rendered moot by the cancellation of claim 1 and the amendments to claims 13 and 26 presented herein. Therefore, applicants respectfully request reconsideration and withdrawal of the rejections.

#### **Claim Rejections Under 35 U.S.C. 103**

The Examiner has rejected claims 1, 6-10, 12-14, 19-23, and 25-28 as obvious over U.S. Patent No. 7,062,466 to Wagner et al. ("Wagner") in view of the Internet Archives print out of the Yahoo! Classifieds webpage from January 26, 2004 ("Yahoo"), and claims 2-5, 11, 15-18, and 24 as obvious over Wagner in view of Yahoo and further in view of U.S. Patent No. 7,007,074 to Radwin ("Radwin"). Applicants respectfully traverse these rejections.

First, since claims 1, 14, and 28 have been canceled, this ground of rejection is rendered moot with respect to these claims. Each of currently pending independent claims 2, 15, and 29, as amended, recites scoring advertisements based on a measure of match between the query and the characteristics of the identified advertisements.

As the Examiner recognizes, Wagner fails to disclose or suggest a scorer as claimed. In an attempt to remedy this deficiency, the Examiner asserts that Radwin teaches a scorer to score the advertisements based on match between the query and the characteristics of the identified advertisements. However, as set forth above, claims 2, 15, and 29 have been rewritten in independent form to recite scoring advertisements based on a measure of match between the query and the characteristics of the identified advertisements; Radwin fails to disclose or suggest at least this feature.

Radwin discloses an ad repository 20, such as the repository illustrated in Figure 5. Apparently, in Radwin, ads may be selected as a function of an associated keyword flag 45 and/or an importance weight 47. As can be appreciated from the data structure of Figure 5, the keyword flag 45 and/or the importance weight 47 are associated with the ad and are therefore independent of a measure of match between an advertisement and a search query.

In particular, the keyword flag 45 indicates whether a specific advertisement is to be presented when a certain search term is used to provide the results of a search query. The ad importance weighting value 47 is either set automatically, or by an editorial staff member, to indicate how valuable and/or relevant a particular ad type or ad is relative to other ad types and ads. The importance weighting value 47 of a particular ad associated with an ad type might be adjusted based on external events or the significance of an ad. For example, if the number of impressions of an ad under a CPM arrangement is predicted to be below a guaranteed minimum, an appropriate ad importance weighting value may be assigned to that ad. If a higher importance weighting is assigned to the ad, the ad will have a relatively higher probability of being selected than otherwise. Neither the importance weighting value 47 nor the keyword flag 45 are used in

scoring advertisements based on a measure of match between a query and characteristics of the advertisement.

Therefore, for at least the reasons noted above, Applicants respectfully submit that the claims are allowable over Wagner in combination with either Yahoo alone, or in view of Yahoo in further view of Radwin and request that the rejections of the claims be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: January 16, 2008

Timothy W. Riffe  
Timothy W. Riffe  
Reg. No. 43,881

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331